

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BEFORE THE HONORABLE CHARLES R. BREYER

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	No. CR 14-0196 CRB
)	
XIU YING LING LIANG)	
)	San Francisco, California
Defendant.)	Wednesday
)	January 4, 2017
)	10:00 a.m.

TRANSCRIPT OF PROCEEDINGS

APPEARANCES:

For Plaintiff: BRIAN STRETCH
United States Attorney
450 Golden Gate Avenue
San Francisco, California 94102
BY: WILLIAM FRENTZEN
ASSISTANT UNITED STATES ATTORNEY

For Defendant: LAW OFFICE OF PETER FITZPATRICK
1000 Brannan Street
Suite 304
San Francisco, California 94103
BY: PETER A. FITZPATRICK, ESQ.

Reported By: Debra L. Pas, CSR 11916, CRR, RMR, RPR
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Computerized Transcription By Eclipse

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P R O C E E D I N G S

JANUARY 4, 2017

2:44 p.m.

(Defendant present, out of custody.)

THE CLERK: Calling Criminal Action CR14-0196, USA
versus Xiu Ying Liang, also known as Elaine Liang.

Counsel, please state your appearances for the record.

MR. FRENTZEN: Good afternoon, your Honor. William
Frentzen for the Government.

MR. FITZPATRICK: Good afternoon, your Honor. Peter
Fitzpatrick on behalf of Ms. Liang.

THE INTERPRETER: Good afternoon, your Honor. Mary
Lin, the interpreter, state certified interpreter.

THE COURT: There is no Plea Agreement in this case,
is that correct?

MR. FRENTZEN: That's correct, your Honor.

MR. FITZPATRICK: That's correct, your Honor.

THE COURT: Okay. So have you filled out an
application?

MR. FITZPATRICK: Yes, I have, your Honor.

THE COURT: Okay. Would you pass that forward? Has
the client signed it?

MR. FITZPATRICK: We have not signed it. It says to
sign in open court.

THE COURT: Okay. Why don't you sign it?

MR. FITZPATRICK: But it has been gone through

1 with the Cantonese interpreter before court this morning and
2 myself.

3 (Whereupon document was signed and tendered to the
4 Court.)

5 **THE COURT:** Okay. You may administer the oath to
6 Ms. Liang.

7 (Whereupon the defendant was placed under oath.)

8 **THE DEFENDANT:** Yes.

9 **THE CLERK:** Thank you.

10 **THE COURT:** Okay. What is your full name?

11 **THE DEFENDANT:** Xiu Ling Liang.

12 **THE COURT:** When were you born?

13 **THE DEFENDANT:** China.

14 **THE COURT:** When?

15 **THE DEFENDANT:** Canton, China. June 18, 1962.

16 **THE COURT:** How old are you?

17 **THE DEFENDANT:** 54.

18 **THE COURT:** And how far did you go in school?

19 **THE DEFENDANT:** Grade five.

20 **THE COURT:** Have you been treated recently for any
21 mental illness or addiction too narcotic drugs of any kind?

22 **THE DEFENDANT:** No.

23 **THE COURT:** Are you currently under the influence of
24 any drug, medication or alcoholic beverage of any kind?

25 **THE DEFENDANT:** No.

1 **THE COURT:** Have you received a copy of the charges
2 pending against you?

3 **THE DEFENDANT:** Yes.

4 **THE COURT:** Have you had an opportunity to discuss
5 those charges and your case with your lawyer?

6 **THE DEFENDANT:** Yes.

7 **THE COURT:** Are you fully satisfied with the
8 representation given to you in this case by your lawyer?

9 **THE DEFENDANT:** Yes.

10 **THE COURT:** Okay. There is no Plea Agreement in this
11 case, is that right?

12 **THE DEFENDANT:** Yes.

13 **THE COURT:** Do you understand that the Court is not
14 required to follow any recommendation by the Government or your
15 attorney and that the Court is not required to permit you to
16 withdraw your guilty plea?

17 **THE DEFENDANT:** Yes.

18 **THE COURT:** And the Court may impose a sentence that
19 is more severe than you now anticipate?

20 **THE DEFENDANT:** Yes I know.

21 **THE COURT:** Has anyone attempted in any way to force
22 you to plead guilty or otherwise threatened you?

23 **THE DEFENDANT:** No.

24 **THE COURT:** Has anyone made any promises or
25 assurances of any kind to get you to plead guilty?

1 **THE DEFENDANT:** No.

2 **THE COURT:** Are you pleading guilty of your own free
3 will because you are guilty?

4 **THE DEFENDANT:** Yes.

5 **THE COURT:** Are you a citizen of the United States?

6 **THE DEFENDANT:** No.

7 **THE COURT:** Do you understand that your plea of
8 guilty may affect your ability to remain in the United States,
9 as well as your ability to reenter the United States if you
10 leave the United States?

11 **THE DEFENDANT:** Yes.

12 **THE COURT:** What are the possible consequences of the
13 plea?

14 **MR. FRENTZEN:** Not more than 20 years of
15 imprisonment. Not more than a \$250,000 fine, or twice the
16 value of the property that was laundered, whichever is greater.
17 Up to three years of supervision. A \$100 special assessment.
18 And there are also potential consequences related to
19 deportation, as well as restitution and/or forfeiture, which I
20 guess would have to be determined later.

21 **THE COURT:** Do you understand these are the possible
22 consequences of your plea?

23 **THE DEFENDANT:** Yes.

24 **THE COURT:** Is this the only count alleged against
25 the defendant?

1 **MR. FRENTZEN:** No, your Honor. There are multiple
2 counts of money laundering, as well as a charge of racketeering
3 conspiracy in the second superseding indictment against this
4 particular defendant.

5 I haven't counted them all, but there are -- there's a
6 large number of money laundering counts lodged against her.

7 **THE COURT:** Do you understand that?

8 **THE DEFENDANT:** Yes.

9 **THE COURT:** And do you understand that while you are
10 pleading guilty to one count and the Court will sentence you on
11 that count, the Government has the right to proceed against you
12 on any of the remaining counts?

13 **THE DEFENDANT:** Yes.

14 **THE COURT:** Do you understand that you have the right
15 to plead not guilty to any offense charged against you, to
16 persist in that plea. You would then have the right to a trial
17 by jury.

18 At trial you would be presumed to be innocent and the
19 Government would have to prove your guilt beyond a reasonable
20 doubt. You would have the right to assistance of counsel for
21 your defense, appointed by the Court if necessary, at trial and
22 every other stage of the proceeding. The right to see and hear
23 all the witnesses and have them cross examined in your defense.
24 The right on your own part to decline to testify, unless you
25 voluntarily elected to do so in your own defense. The right to

1 compel the attendance of witnesses in your defense.

2 Do you understand that should you decide not to testify or
3 put on any evidence these facts cannot be used against you?

4 And do you further understand that by entering a plea of
5 guilty, if the plea is accepted by the Court, there will be no
6 trial and you will have given up your right to a trial, as well
7 as those other rights associated with a trial as I've just
8 described them. Do you understand that?

9 **THE DEFENDANT:** Yes.

10 **THE COURT:** What are the essential elements of the
11 offense to which the defendant is pleading guilty?

12 **MR. FRENTZEN:** Your Honor, the elements are that the
13 defendant or one of the defendant's co-conspirators or aiders
14 and abettors conducted a financial transaction involving
15 property that represented a specified unlawful activity, here
16 narcotics trafficking; that the defendant knew that the
17 property represented -- well, we'll just -- narcotics
18 trafficking proceeds, and that the defendant acted with the
19 intent to promote the carrying on or the concealment of the
20 narcotics trafficking activity.

21 **THE COURT:** Now, you've heard the Government recite
22 the essential elements of the offense. If the case went to
23 trial on this count, do you believe the Government would be
24 able to prove each element of the offense beyond a reasonable
25 doubt?

1 **THE DEFENDANT:** Yes.

2 **THE COURT:** Okay. And looking at the Plea Agreement,
3 Page 2 -- excuse me, the application to enter a plea on Page 2,
4 Paragraph 5, Line 12, you state that you participated in the
5 delivery of \$76,030 in cash, knowing the property involved in
6 the financial transaction represented the proceeds of some form
7 of unlawful activity. Do you see that?

8 **THE DEFENDANT:** Yes.

9 **THE COURT:** Is that true? Is that what happened?

10 **THE DEFENDANT:** Yes.

11 **THE COURT:** Okay. You may take the plea.

12 **THE CLERK:** Ms. Xiu Ling Liang, also known as Elaine
13 Liang, the Government has filed a second superseding indictment
14 charging you with 18 U.S.C. Section 1956(a)(1)(A)(i) and
15 (a)(1)(B)(i), money laundering, and that's to Count 177. How
16 do you plead to the charge, guilty or not guilty?

17 **THE DEFENDANT:** Guilty.

18 **THE CLERK:** Your Honor, a guilty plea has been
19 entered.

20 **THE COURT:** It is the finding of the Court in this
21 matter the defendant is fully competent and capable of entering
22 an informed plea. The defendant is aware of the nature of the
23 charges, the consequences of the plea. The plea of guilty is a
24 knowing and voluntary plea supported by an independent basis in
25 fact containing each of the essential elements of the offense.

1 The plea is, therefore, accepted and the defendant is now
2 adjudged guilty of the offense.

3 **MR. FRENTZEN:** Your Honor, given the remaining
4 charges against this particular defendant, I think we would
5 just ask for a control date to get her on schedule with the
6 other folks who are in a similar posture. That is, they have
7 pled guilty open to certain counts, but have not resolved their
8 case thoroughly with the Government.

9 **THE COURT:** What date is that, do you know?

10 **MR. FRENTZEN:** Your Honor, they may right now be
11 actually sort of in limbo waiting for us to resolve as to
12 everybody else.

13 **THE COURT:** Pick a day. Pick a day.

14 **MR. FRENTZEN:** I believe if we come back on the same
15 date as we were coming back for Mr. Lai and Mr. Chen, that
16 might be good. I believe that was May 10th.

17 **THE COURT:** Okay. That will be the date. And would
18 you ask your client -- take your client to the Probation
19 Department.

20 **MR. FITZPATRICK:** Yes, your Honor.

21 **THE COURT:** Okay. Thank you very much.

22 **MR. FRENTZEN:** Thank you, your Honor.

23 **MR. FITZPATRICK:** Thank you.

24 **THE CLERK:** Court is adjourned.

25 (Proceedings adjourned.)

CERTIFICATE OF OFFICIAL REPORTER

I certify that the foregoing is a correct transcript from the record of proceedings in the above-entitled matter.

Debra L. Pas

Debra L. Pas, CSR 11916, CRR, RMR, RPR

Saturday, May 6, 2017